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The Virginia Assembly of 1641. A List of Members and Some of the Acts.

(From contemporary Manuscript in the collection of the Virginia Historical Society.)

[This Society is indebted to Mr. Arthur G. Fuller of Groton, Mass., for the recent gift of a number of old manuscripts, which his father, a Federal officer, saved from among a mass at Charles City Courthouse, Va., which the soldiers of McClellan's army were using as fuel to heat their coffee.

Perhaps the most valuable of these documents is one which in its complete state contained a list of the members and copies of the acts of a session of the Virginia Assembly held in January, 1641—a session which is not in *Hening*. As is well known, the clerk of the House of Burgesses was required to send copies of the acts of Assembly to each county. Hening used several such copies, and the Valentine Museum of this city has recently acquired two. But the paper here treated of was not exactly like either of these. It is not the original copy; but evidently one recorded in the order (minute) book of the county court. The pages of the present manuscript are not numbered; but as will be seen the first act is concerning religion, with a preamble and three sections following. At the top of the next page act 31 begins, so it is evident that much is missing. It would seem that an act concerning religion passed at the session of March, 1642-3 (*Hening*, I, 240-243) is much the same as that of 1641.

The acts for seating Rappahannock and Charles River (meaning the present county of Gloucester), mark the beginning of the movement of population away from James River; but this was delayed a little by the Indian Massacre of 1642. The records of York county show that a number of persons did settle at this time north of York River, who, during the Indian panic were ordered by the Governor and Council to return to safer parts of the colony. Some of these settlers were so unwilling to leave their new homes that it was necessary to send an armed force to compel them. After 1642 of course the restrictions were removed.

Act 38, repealing acts passed at several former assemblies, is of interest, as giving some idea of the legislation of sessions of which we have no record. It may be well to give a list of the early sessions of which no journals or acts have been preserved. They are as follows: March, 1628-29 (*Hening*, I, 129), 1634 (*post*); May, 1635 (*Hening*, I, 223; *Virginia Magazine of History and Biography*, I, 422, 427), 1636 (*post*); 1637 (*post*) and 1641, the acts of which are here printed. These and the sessions contained in *Hening* show what an active and vigorous part of the Colonial government, even at this early date, the Virginia Assembly was.

The weighty business spoken of in the resolution for adjournment, probably referred to the attempt to re-establish the Virginia Company. The Assembly convened again on April 1st, 1642, and the only records of its proceedings are a "Declaration against the Company," and a "Remonstrance of the Grand Assembly" (*Hening*, I, 230-236.)

The manuscript from which these acts are printed is in a contemporary hand.]

Att a Grand Assembly holden at James Cittie the 12th Day of January, An^o 1641.

S^r Francis Wiat, K^t, Gov^rno^r, &c., Capt. John West, Capt. W^m Pearce, Mr. George Menefie, Mr. Argall Yardley.

The Names of the Burgessess of the sev^ll Plantations:

For James Cittie: Capt. Robte. Hutchinson, Mr. Francis Fowler, Mr. John White, Mr. Tho. Hill, Mr. Rich. Richards, Mr. Fardinand. Franklin, Mr. Jeremie Clement, Mr. Tho. Follis, Mr. Wm. Butler.

For Henricoe: Mr. John Baugh, Mr. Francis Fulford.

For Charles Cittie: Mr. Walter Aston, Mr. Joseph Johnson, Mr. Walter Chiles.

For Charles River: Capt. Rich. Townesend, Mr. George Lodlowe, Mr. George Worleigh.

For Warwick River: Mr. Tho. Barnett, Mr. Wm. Whittbey.

For ye Isle of Weight: Capt. John Upton, Mr. Joseph Salmon, Mr. George Hardde [Hardy].

For Upper Norff: Capt. Daniel Coogin [Gookin], Mr. John Carter.

For Lower Norff: Capt. John Shipsie, Mr. John Hill.

For Eliza. Cittie: Mr. Joh. Branch, Mr. Flo. Payne.

For Accomack Countie: Mr. John Wilkins, Mr. Joh. Neale.

1. Whereas for the Better Ordering and settlinge divers weightie Affayres therre was called and held a Grand Assembly for ye establishinge of such wholesome Lawes and ordinances as weare especially needful. And whereas the King's most excellent Ma^{tie} out of his Christian and Royall care of his subjects w^{hin} this Colonye by instruction to the Govern^r and Counsell hath in his spetiall manner com[']anded that all dilligence and Endeavo^r bee used for the service of God.

Bee it therefore enacted by the Governo^r, Counsell and Bur-gesses for the Commonalty of this Grand Assembly, and the authoritie of the same for the Advancement of Godd's Glorie and the good of the weale publick that these Lawes and Actes followinge, be observed and duely kept throughout this Collony, and that all his Ma[']ties subjects bee conformable thereonto.

First for the carefull and diligent service of god. It is hereby appoynted and required that all and every p[']son and p[']sons w^{hin} this Collony shall duely observe and keepe the Saboth day, and that all ministers doe preach on ye Saboth day in the fore noone, and carefully and diligently catecise by questions and Answeres, and instruct in the fundamental pointes of Christian Religion all younge people and ignorant p[']sons within there sev[']ll parishes every Saboth day in the after noone, beginninge from the First Saboth in March and soe continuinge tell last Saboth in November yearely, and that upon notice given by the minister of every p[']ish respectively all younge people repayre to there p[']ish Churches or Chappells of Ease at all such times as shalbe thereto required by there and every of there Ministers; And that for the better p[']formance thereof, the s[']d Ministers and everye of them shall begin in catechising at one end of the p[']ish and soe p[']ceed untill hee shall have catechised all the young people and servants of the s[']d p[']ish; And it is further enacted by the Authoritie afores[']d, that all and everye Article mentioned in the First Act of the Grand Assembly in the yeare of our Lord

1636, containinge 13 Articles bee duely observed and kept to all intents and purposes.

1. First that there be a vestry held in each p'ish for the makeinge of the Levies and Cessment for such uses as are requisit and necessary for the repayringe the Churches, etc., and that there be yearely Chosen twoe more Church Wardens in every p'ish.

2. It., that the most sufficient and selected men be Chosen and Joyned to the Minister and Church Wardens to bee of that vestry.

3. Item, that there bee yearely meetinge of the Ministers and Church Wardens before the Govern' and Counsell in nature of a visitation accordinge to the orders and Constitutions of the Church of England, w'ch is there usually held every yeare after Easter.

31.

CONCERNINGE SEATINGE RAPOHANOK RIV'.

This Assembly doe declare and bee it soe Enacted that it is and may bee free for any p'son or p'sons to seat Rappohanock River the next yeare; Provided that the nomber that seat there bee not under twoe hundred p'sons, and not less than six able tithable p'sons in everye familye that there sitt doune. And the Authoritie aforesaid doth further declare and Enact that all Claymes made to land heretofore in the s'd River bee voyde; Except such as have order therefore, and that no clayme hadd to any land there shalbe good except they shall enter there right to the s'd land together with the s'd Clayme; and ye p'ties y there intend to seate are hereby Comanded to Compounde with the native Indians there whereby they may live the more securely.

32.

CONCERNINGE INJURIES REC'ED FR' YE INDIANS.

Whereas divers Injuries are often rec'ed by divers from .ye Indians, It is enacted hereby that every p'son soe injured shall repayre to the Commander of the place where he liveth, and hee to Authorize them or him to apprehend and detayne without violence the next Indian cominge upon his Grounde beinge of that Territorie where the Damage was done; as if the harm be

done in weynoke then to stay and apprehend one of the weynoke Indians, and that the s'd Commander take order that the Indian or Indians be brought in that the Indian soe taken bee safely kept in Custodie, either until the Indian or Indians bee brought in that did the Injurie and punished, or untill such satisfaction bee given as to the Com'ander shall seeme reasonable.

33.

CONCERNINGE SEATINGE CHARLES RIVER.

It is enacted by the Authoritie afores'd that it shall and may bee lawfull for any p'son or p'sons p'sently to seat, live and plant from the deepe Creeke in Charles Riv'r Downward to newe Poynt Comfort, to the mouth of Pyanketank Riv'r, and soe to the head thereof, and all the trackt of land w'thin these bounds; Provided that they shall not goe under one hundred able men, whoe are to give upp there names unto the Cou^r of Charles Riv'r, and that an agreem^t bee made by Capt. Henry Fleete w'th Oppachankano for there peace by the paym^t of Fiftie barrells of Corne this yeare, at or before the last day of Aprill, and Fiftie barrells of Corne more the next yeare. To w'ch paym^{te} all men who clayme land there w'thin that Trackt are required to make p'porsionable satisfact'on accordinge to there sev'all quantities of land, the w'ch paym^{ts} are to be made at the house of Mr. John Matrom, at Yorke, and Capt. John Cheesman, at the newe percuson, and all that putt in there hereafter to beare there ratably parte. But if upon p'[ro]ferr made upon this composition Apochankano shall refuse to accept thereof, then it may or shalbe lawful to seat there w'th the aforesaid Strength not w'thstandinge his refusall, but Apochankano's first refusal shall not hinder his after acceptance.

34.

NOE MONEY DEBTS TO BE ALLOWED AFTER THE 25TH OF MARCH.

Whereas many and great ill Conveyniences have and doe day-lie arise by dealinge for money; Bee it enacted by the Authorities afores'd that it shall not bee lawful for any p'son or p'sons whatsoever to make any money debte after the said Twentieth day

of March next, and if any refectory p'son shall, notw'thstandinge, pass or take money bills or bonds or make such debte, they shall not bee recoverable in any Courte of Justice under this Government after the day afores'd, and that a Coppie of this Act bee by the Capt. of the forte or deputie fixed on the maste of all shippes upon there Arivall w'thin the Govmt. to the intent y' all people whatsoever may take notice thereof.

35.

CONCERNINGE YE DISCOVERIE OF A NEWE RIVER AND
UNKNOWN. * * * * MR. ASTON. [Worn
on the edges.]

Forasmuch as Walter Aston, Rice Hooe, Joseph Johnson, and Walter Chiles, for themselves and such others as they shall think fitt to joyne with them, have petitioned this Assembly for leave and encouragement to undertake the discoverye of a newe River or unknowne land bearinge west southerlye from Appomattock River; Be it Enacted by the Authoritie afores'd, that they and anye of them whome they admitt shall have, enjoye, and possess, to them, their heirs, Executors or Assignes, all p'fitts whatsoever they can make unto them by such discovery afores'd for Fourteene yeares after publicacon hereof: Provided, there bee reserved and payed unto his Ma'ties use by them that shalbe appoynted to receive the same, the Fifth p'te of all Royall Mynes whatsoever: Provided, also, that if they shall thinke it necessary to Imploy more than twoe or three men in the s'd Discoverie, that they shall then doe it by Comission from the Govern'r and Counsell.

36.

JO. GRIFFETH * * EXEMPTED * * PUBLIQUE * SERVICE.
[Edges worn.]

Whereas Divers poore men have longe inhabited heere and nowe are growne decrepped and impotent, and have petitioned this Assembly for releefe; Be it Enacted by the Authoritie afore'sd that John Griffith, Sergiant Jo. Wayne, Tho. Brooke, Tobias Hurst and Peeter Hayes shall from henceforth bee excepted from all publike service in p'son and paying of Countrie Levys, Ministers' duties excepted.

37.

CONCERNING POPISH RECUSANTS.

It is Enacted by the Authoritie afores'd, that according to a statute made in the Third yeare of the raigne of o'r Sovereigne Lord Kinge James, of Blessed memorye, no popist recusant shall at any time hereafter exercise the place or places of Secretary, Counsellor, Register, Comisio'r, surveyor or sheriff, or any other publique place, but bee utterly disabled for the same; And further, bee it Enacted by the Authority afores'd, that none shalbe admitted into any of the aforesaid offices or places before hee or they have taken the oathes if Suppremisie and allegiance. And if any p'son or p'sons whatsoever shall by any sinister or secret meanes Contrive to himselfe any of the afores'd places, or any other publique office whatsoever, and refuse to take the afores'd oathes, he or they soe Convicted before any Assemblie, shalbe dismissed of his said office, and for his offense herein, forfeit a thousand pounds weight of Tobacco, to be disposed of by the next Grand Assembly after Conviction.

And it is Enacted by the Authoritie afores'd that the statutes in force against popish recusants bee dewly executed in the Gov'm't; And that it shall not bee lawfull, under the penalty afores'd, for any popish priest that shall hereafter arive here to remayne above Five dayes, after warninge given for his departure by the Govern'r or Comander of that place where hee or they shall bee, if winde and whether hinder not his departure; this Act to bee in force after Ten dayes from the publicacon hereof at James Cittie.

38.

CONCERNINGE ACTS REPEALED.

Bee it Enacted by the Authoritie of this p'sent Assembly that one Act made in the yeare 1632, intitled an Act for order about Toba.; that one Act made in ye yeare 1632, intitled an Act for plantinge corne; That one Act 1632, intitled forbidinge parley w'th Indians; That one Act made in the yeare 1632, intitled an Act Comandinge noe man to walke abroad w'thout Armes; That one Act made in the yeare 1632, requiring a sentinel for all

workers in the Grounde; That one Act made in the yeare 1632, for ye forth man to attend the Middle Plantation, bee from hence forth repealed.

That one Act made in the yeare 1633, requiringe all goods to be sould at James Toune; That one Act made in the yeare 1633, vallewing Toba. at 9^d p. lb.; That one Acte made in yeare 1633 concerninge seaven stores to bee erected for the publike; That one Acte made in ye yeare 1633 requiringe Marshalls * * * [word worn off] deliv'd Invoyses upon Oathe; That one Acte made in the yeare 1633 requiring wayters to bee putt on board shippes Arrivinge at Kicotan; That one Act made in the yeare 1633 that all bargins should bee made in money; That one Act made in the yeare 1633 requiring noe Clothes nor apparell to be sould to the Indians; That one Act made in the yeare 1633 forbiddinge to Fraught any Toba. in such shippes as brought not in goodes; That one Act made in the yeare 1633 rateing the Secretary's fees in money, bee from henceforth repealed.

That one Act made in the yeare 1634 requiringe noe wine nor stronge waters to be sould w'thout lisencc; That one Act made An^o 1634 comandinge plantinge of vines; That one Act made in An^o 1634 in forceing noe Gould nor silver to bee worne on apparell but by Counsellors and there wives; That one Act made in An^o 1634 bindinge seamen not to trade here goods w'thout reddye pay; That one Act made in An^o 1634 entitled a restraint from plantinge; That one Act An^o 1634 comandinge Left. Popely to make good the Middle plantation; That one Act made in An^o 1634 requiringe an office to bee built for the Secretary, bee from henceforth repealed.

That one Act made in An^o 1636 for wine and Mulberry trees; That one Act made in An^o 1636 giveinge lib'tie for Attached goods to bee praysed and sould; That one Act made in An^o 1636 forbiddinge transportinge of Cattle; That one Act made in An^o 1636 for plantinge Toba. w'thout restraint; That one Act made in An^o 1636 ratinge Sheriffes fees; That one Act made in An^o 1636 requiringe 4th p. pole for the Mayntenance of a Capt. of a forte and Guarders; That one Act made in An^o 1636 ratinge fees of officers for Regestringe Toba. inspected; That an Act made in the yeare 1636 ratinge surveyors fees; That an Act made in An^o 1636 requiringe a wayter to bee putt on board shippes;

That one Act made in An^o 1636 freeing Counsellors from taxes, bee repealed.

That one Act made in the yeare 1637 for Regulatinge of Toba. ; That one Act made in the yeare 1637 requiringe younge freemen to seat Chickahominy; That one Act made in An^o 1637 restrayninge Inholders to sell strong waters, bee repealed.

That one Act made in An^o 1639 entitled an Act for Contract for freight; That one Act made in An^o 1639 ratinge and vallewinge Tobaccoe; That one Act made in An^o 1639 giveinge lib'tie to transporte Cattle, bee repealed.

That one Act made in An^o 1640 presinge Toba., bee repealed.

39.

CONCERNINGE YE PUBLIQUE LEVEYS.

Whereas there was by the last Grand Assembly Thirtie pounds of Toba. p. pole to be levied for publique use, and Sixteen pounds p. pole Disposed therof by s'd Assembly; It is Enacted by the Authoritie afores'd that the Fourteene pounds remaynder of the sayde Thirtie pounds bee disposed of for 'the publique uses of every p'sh respectivelie throughout the Colloney or so much thereof as shalbe necessary, accordinge to the discretion of the Comaunder or Com^{rs} and vestrye in such p'ishe where the Comaunder or Com^{rs} reside or in case of there non residence by the vestrye alone.

40.

The Gov'nor, Counsell and Burgesses of this p'sent Grand Assembly takinge into serious Consideracon the many and weightie businesses begone in this p'sent Grand Assembly, and w'ch yet depends unfinished, and to prevent all doubt whether the passinge of the Acts already agreed upon will not bee Determined of this Assembly, Doe hereby Enact and by the Authoritie of this p'sent Grand Assembly bee it Enacted, that not w'thstandinge the passage and Enactinge of Divers Actes already agreed upon, this p'sent Assemblie shall not be Determined and that it be adjourned to the 18th Day of April w'ch shalbe in the yeare of o'r Lord God 1642, at w'ch time and day the whole boddie of this p'sent Assemblie consistinge of the Gov'n^{or}, Counsell,

and Burgesses shall repaire to James Cittie then and there to determine and conclude all such matters as then shalbe thought fitt and necessary to be concluded and Enacted, whether it bee for matters already begune or other matters that shall a newe be p'posed that may redowne to the hon^{or} of his Ma^{ty}, and to the good of this Collony: Provided that if a newe Gov'nor Arrive in the Interim, that either newe summons be expected from him, or a Confirmation of this A'jor'ment.

Signed at James Cittie.

Concor. Cum. origin. teste me:

GEO. READ, Deput. Secret.

Vera Copia:

F * * * COOKE, Clr. Cur.

SELECTIONS FROM THE CAMPBELL PAPERS.

(Virginia Historical Society Collection.)

[In 1848 and 1849 Charles Campbell, the Virginia historian, gave the Virginia Historical Society a large number of old documents, bound in five portfolios. These papers seem chiefly to come from the Bland collection, which Mr. Campbell made use of in his published Bland Papers (2 vols. in all, Petersburg, 1840-43.)

Only one of the papers here printed was included in the Bland Papers, and that very imperfectly.

Charles Campbell, of Petersburg, Va., a son of John Wilson Campbell, a bookseller of the same place (who published a History of Virginia—Phil., 1813), was born in 1807, and died July 11, 1876. He graduated at Princeton in 1825, and throughout life was a devoted student of Virginia history. More than any one else who wrote on the subject, he was personally acquainted with the scenes of the events he described. Having a wide acquaintance throughout the country, it was his custom to travel on foot or horseback through the Country, and, note book in hand, study the very spots where the people of note in our history